UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/694,365	10/24/2000	Peter Ernest Hookham-Miller	P108800-00001	9988

32294 7590 07/12/2005	EXAMINER
SQUIRE, SANDERS & DEMPSEY L.L.P.	KOENIG, ANDREW Y

SQUIRE, SANDERS & DEMPSEY L.L.P.
14TH FLOOR
8000 TOWERS CRESCENT
TYSONS CORNER, VA 22182

ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 07/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/694,365	HOOKHAM-MILLER, PETER ERNEST
	Examiner	**Art Unit**	
	Andrew Y. Koenig	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>04 April 2005</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-41,43-55,57-83 and 89-91* is/are pending in the application.

    4a) Of the above claim(s) *46-55 and 76* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-41,43-45,57-75,77-83 and 89-91* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims 1-41, 43-45, 57-75, 77-83, and 89-91 have been considered but are moot in view of the new ground(s) of rejection.

The applicant has traversed the following Official Notices:

a.   Official Notice is taken that a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, and Bluetooth are well known in the art.

b.   Official Notice is taken that the use of databases is well known in the art.

c.   Official Notice is taken that detection of the predefined audio or visual effect in the program is well known in the art.

d.   Official Notice is taken that triggering data based on a time code is well known in the art.

Consequently, the following references have been supplied to the applicant in support of the Official Notices.

U.S. Patent 6,097,441 to Allport teaches communicating with a remote control at 2.4 GHz (col.10, II. 9-34), which additionally equates to a short-range radio link.

U.S. Patent 6,282,714 to Ghori teaches modulating data at 2.4 GHz, which is the allowed, unlicensed spread spectrum frequency band (col. 14, II. 56-65). Further Ghori

teaches the use of changing the frequency at short intervals (col. 7, ll. 20-33), which

equates to a wireless link is changed between subsequent data packets of the packet

data transmission.

U.S. Patent 6,637,028 to Voyticky et al. teaches a remote control using Bluetooth

(col. 18, ll. 50-62), which equates to a short-range link protocol.

U.S. Patent 5,600,364 to Hendricks et al. teaches the use of a database for

storing viewer preferences (see fig. 12, label 314, col. 29-30, ll. 60-4, col. 30, ll. 14-28).

U.S. Patent 6,195,458 to Warnick et al. teaches detecting events based on

detection of visual effects, such as fades and dissolves.

U.S. Patent 6,415,438 to Blackketter et al. teaches triggering data based on a

time code (fig. 4-5, 8-9, 14-15, 17-20).

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 2, 4-19, 21, 22, 24, 26, 28-31, 34-41, 43-46, 57, 58, 60-72, 74, 75, 77-

79, 82, and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent 5,733,131 to Park in view of U.S. Patent Application Publication 2005/0111823

to Dureau.

Regarding claim 1, Park teaches storing information, such as the particular address of the device (12) (col. 4-5, ll. 66-2), which reads on associated with the user in a remote management unit. Park teaches providing a television signals to the television (fig. 3, label 100, col. 9, ll. 36-55) from a broadcast, which clearly has a broadcasting system (col. 9, ll. 36-55). Park teaches presenting the program to the user based on the program signal by means of the televisions (col. 9, ll. 36-55). In response to an event, Park teaches transmitting data between the remote management unit (fig. 1, label 28) and a user device operable by the user for inputting information (such as closing a latch) while experiencing the program (col. 9, ll. 36-55, col. 10-11, ll. 66-20), wherein the transmission occurs over a pager network (fig. 1), wherein the paging system is a packet data network (col. 5, ll. 7-19) and the link between packet data network and user device is wireless (fig. 1). Further, Park teaches the data sent over the pager network is associated with the program and being personalized with the user in that the information is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55).

Park teaches storing information, such as the particular address of the device (12) (col. 4-5, ll. 66-2), but is silent on storing information regarding the user's personal interests or preferences. In analogous art, Dureau teaches a smart toy (20) wherein the profile information is stored remotely, wherein the profile stored historical use data wherein the information can be number of times a child has played particular games or used particular features of a smart toy (pg. 1-2, para. 0012, pg. 6, para. 0051, pg. 7, para. 0063), which equates to a user's personal interests or preferences. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Park by storing a user's personal interests or preferences as taught by Dureau in order to customize program content thereby providing more customized information to the user.

Consequently, the combination of Park and Dureau teaches that the data associating with the program is personalized based on said stored information (wherein the stored information comprises at least the address and user interest/preference information), which is stored prior to transporting the said data to the user device in that the profile of Dureau is stored ahead of time in that Dureau filters downloads of data (such as songs) (pg. 7, para. 0062-0063).

Regarding claim 2, Park teaches data transported from the Information collecting station (fig. 1, label 28, col. 5, ll. 31-45).

Regarding claim 4, Park teaches a device (12), which as shown in the figure 1 can be a toy bear, which is able to be moved from place to place, which equates to a portable controller.

Regarding claim 5, Park teaches the user device (12) processing packets received from the management unit (col. 5, ll. 7-19, col. 5, ll. 52-62).

Regarding claim 6, Park teaches storing data that associated with the program in the remote management unit (col. 6, ll. 34-57).

Regarding claim 7, Park teaches a paging system clearinghouse (20), which equates to a base station, in that the clearinghouse interfaces the data network to the wireless communication link (col. 5, ll. 7-30).

Regarding claims 8-10, 12-15, and 61-65, Park is silent on the wireless link being a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link employing frequency hopping, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, and Bluetooth. Official Notice is taken that a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, and Bluetooth are well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Park by using a short range radio link, an unlicensed radio frequency band, link being operated about 2.4 GHz, wireless link employing frequency hopping, wireless link is changed between subsequent data packets of the packet data transmission, universal short range radio link protocol, or Bluetooth in order to communicate with the remote device without physical wires, thereby creating a friendlier user device.

Regarding claim 11, Park teaches transporting data packets (col. 5, ll. 6-19).

Regarding claim 16, Park teaches control messages, which equates to instructions for the device (col. 6, ll. 8-28; col. 8, ll. 7-20).

Regarding claim 17, Park teaches sending supplemental information from between the management unit and the user device associated with programming (col. 6, ll. 8-28).

Regarding claim 18, Park teaches an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46), which reads on further content that associates with the program.

Regarding claim 19, Park teaches interaction between the viewer of the program and the television system (col. 11, ll. 1-46).

Regarding claim 21, Park teaches a child changing a diaper for the device (12), which equates to an event, which the user may react by inputting a response into the device (col. 11, ll. 1-46).

Regarding claim 22, Park teaches an audio message (col. 6, ll. 8-27).

Regarding claim 24, Park teaches one or more questions presented to the user by the user device (col. 6, ll. 8-27).

Regarding claim 26, Park is silent on the voice messages based on the voice over Internet protocol (VOIP). Official Notice is taken that using voice messages based on VOIP is well known in the art, such as telephone conversations among devices and streaming audio information. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using voice messages based on VOIP in order to incorporate existing technology thereby benefiting of incorporating other devices utilizing the same standard.

Regarding claim 28, Park is silent on data transportation triggered based on monitoring of a time-code that associated with recording media used for storing the program. Official Notice is taken that triggering data from recorded media is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Park by triggering data from recorded media in order to efficiently launch triggers from media.

Regarding claims 29-31, Park is silent on an element at the broadcasting system monitoring the time code, an apparatus for replaying recorded programs monitors for the time code, and user device monitoring for the time code. Official Notice is taken that the detection of an event occurring at the broadcaster, replay device, or user device is well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by detecting an event occurring at the broadcaster, replay device, or user device in order to detect an event and process the information for enhancing the user's experience.

Regarding claim 34, Park teaches that an element is operated based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46).

Regarding claim 35, Park teaches that an element is moved based on data received from the management unit, such as a spring-loaded cover, or a releasing fluid (col. 11, ll. 1-46).

Regarding claims 36-38, Park teaches data transportation, but is silent on broadband data transportation, a third generation mobile telecommunication network standard. Official Notice is taken that different data networks are well known in the art, such as a broadband data transportation, a third generation mobile telecommunication network standard (which also equates to a universal mobile telecommunications service. Therefore, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to modify Park by using broadband data transportation, a

third generation mobile telecommunication network standard in order to diversify the

paths of the data thereby enabling different types of networks.

Regarding claims 39-41, Park teaches user information such as the user's device

address (col. 4-5, ll. 66-6), wherein the information sent to the particular device equates

to data transported to the device is personalized before transportation based on

information stored of the management unit. However, Park is silent on a database at

the management unit, enabling the user to modify information stored in the database,

routing and personal information in the database. Official Notice is taken that remotely

located databases, modifying information, routing and personal information in a

database are well known in the art, such as used in profile management for targeting

information to desired users. Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Park by remotely locating

databases, modifying information, routing and personal information in a database in

order to further enhance the user's experience by targeting information to the user.

Regarding claim 43, Park teaches a toy bear (12a, col. 6, ll. 11-19), which

equates to associating with a toy.

Regarding claim 44, Park teaches a toy bear doll (12a, col. 6, ll. 11-19), which

equates to a dolly.

Regarding claim 45, Park teaches the program is at least a news program (col. 6,

ll. 20-28).

Regarding claim 57, Park teaches a program representation device (100) for

displaying the program to the user (col. 6, ll. 34-42), a broadcasting system (col. 6, ll.

34-42, col. 9, ll. 36-55), a packet network (col. 5, ll. 7-19), and a remote management

unit (28, col. 5, ll. 46-50). Park teaches storing information about a device (col. 13, ll.

50-58) thereby personalizing the information. Park teaches a user device (12), which is

adapted for communication over the packet network between the data network and the

user device (col. 4-5, ll. 66-2), which reads on associated with the user in a remote

management unit. Park teaches presenting the program to the user based on the

program signal by means of the televisions (col. 9, ll. 36-55). In response to an event,

Park teaches transmitting data between the remote management unit (fig. 1, label 28)

and a user device operable by the user for inputting information (such as closing a

latch) while experiencing the program (col. 9, ll. 36-55, col. 10-11, ll. 66-20), wherein the

transmission occurs over a pager network (fig. 1), wherein the paging system is a

packet data network (col. 5, ll. 7-19) and the link between packet data network and user

device is wireless (fig. 1). Further, Park teaches the data sent over the pager network is

associated with the program and being personalized with the user in that the information

is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55).

Park teaches storing information, such as the particular address of the device

(12) (col. 4-5, ll. 66-2), but is silent on storing information regarding the user's personal

interests or preferences. In analogous art, Dureau teaches a smart toy (20) wherein the

profile information is stored remotely, wherein the profile stored historical use data

wherein the information can be number of times a child has played particular games or

used particular features of a smart toy (pg. 1-2, para. 0012, pg. 6, para. 0051, pg. 7,

para. 0063), which equates to a user's personal interests or preferences. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Park by storing a user's personal interests or preferences as taught by

Dureau in order to customize program content thereby providing more customized

information to the user.

Consequently, the combination of Park and Dureau teaches that the data

associating with the program is personalized based on said stored information (wherein

the stored information comprises at least the address and user interest/preference

information), which is stored prior to transporting the said data to the user device in that

the profile of Dureau is stored ahead of time in that Dureau filters downloads of data

(such as songs) (pg. 7, para. 0062-0063).

Regarding claim 58, Park teaches a device (12), which as shown in the figure 1

can be a toy bear, which is able to be moved from place to place, which equates to a

portable controller, Park teaches an audio message (col. 6, II. 8-27).

Regarding claim 60, Park teaches a paging system clearinghouse (20), which

equates to a base station, in that the clearinghouse interfaces the data network to the

wireless communication link (col. 5, II. 7-30).

Regarding claim 66, Park teaches interaction between the viewer of the program

and the television system (col. 11, II. 1-46).

Regarding claim 67, Park teaches transmitting the data based on a predefined

event, such as election day (col. 6, II. 24-27).

Regarding claim 68, Park teaches transmitting the data based on a predefined event, such as election day, which is transmitted to the device by the management unit (col. 6, II. 24-27) in response to the detection of the predefined event.

Regarding claim 69, Park is silent on data transportation triggered based on monitoring of a time-code. Official Notice is taken that triggering data based on a time code is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by triggering data from a time code in order to efficiently launch triggers from media.

Regarding claim 70, Park teaches user information such as the user's device address (col. 4-5, II. 66-6), wherein the information sent to the particular device equates to data transported to the device is personalized before transportation based on information stored of the management unit.

Regarding claims 71 and 72, Park teaches data transportation, but is silent on broadband data transportation, a third generation mobile telecommunication network standard. Official Notice is taken that different data networks are well known in the art, such as a broadband data transportation, a third generation mobile telecommunication network standard (which also equates to a universal mobile telecommunications service. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using broadband data transportation, a third generation mobile telecommunication network standard in order to diversify the paths of the data thereby enabling different types of networks.

Regarding claim 74, Park teaches an element is operated based on data

received from the management unit, such as a spring-loaded cover, or a releasing fluid

(col. 11, ll. 1-46), which reads on further content that associates with the program.

Regarding claim 75, Park teaches the spring-loaded cover, which moves based

on control instructions (col. 11, ll. 1-46).

Regarding claim 77, Park teaches a program representation device (100) for

displaying the program to the user (col. 6, ll. 34-42), a broadcasting system (col. 6, ll.

34-42, col. 9, ll. 36-55), a packet network (col. 5, ll. 7-19), a remote management unit

(28, col. 5, ll. 46-50).   Park teaches storing information about a device (col. 13, ll. 50-

58) thereby personalizing the information. Park teaches a user device (12), which is

adapted for communication over the packet network between the data network and the

user device (col. 4-5, ll. 66-2), which reads on associated with the user in a remote

management unit. Park teaches presenting the program to the user based on the

program signal by means of the televisions (col. 9, ll. 36-55). In response to an event,

Park teaches transmitting data between the remote management unit (fig. 1, label 28)

and a user device operable by the user for inputting information (such as closing a

latch) while experiencing the program (col. 9, ll. 36-55, col. 10-11, ll. 66-20), wherein the

transmission occurs over a pager network (fig. 1), wherein the paging system is a

packet data network (col. 5, ll. 7-19) and the link between packet data network and user

device is wireless (fig. 1). Park teaches the data sent over the pager network is

associated with the program and being personalized with the user in that the information

is sent to a particular device (e.g. address) (fig. 3, col. 9, ll. 36-55). Further, Information

of the device is clearly sent at the same time as the television program in order to

enable the synchronization of information and stimuli to the users. Park teaches storing

personalized information, but is silent on explicitly disclosing a database. Official Notice

is taken that the use of databases is well known in the art. Therefore, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to

modify Park by implementing a database in order to organize the data of the users

thereby enabling more targeted information and efficient processing of information for

the users.

Park teaches storing information, such as the particular address of the device

(12) (col. 4-5, ll. 66-2), but is silent on storing information regarding the user's personal

interests or preferences. In analogous art, Dureau teaches a smart toy (20) wherein the

profile information is stored remotely, wherein the profile stored historical use data

wherein the information can be number of times a child has played particular games or

used particular features of a smart toy (pg. 1-2, para. 0012, pg. 6, para. 0051, pg. 7,

para. 0063), which equates to a user's personal interests or preferences. Therefore, it

would have been obvious to one of ordinary skill in the art at the time the invention was

made to modify Park by storing a user's personal interests or preferences as taught by

Dureau in order to customize program content thereby providing more customized

information to the user.

Consequently, the combination of Park and Dureau teaches that the data

associating with the program is personalized based on said stored information (wherein

the stored information comprises at least the address and user interest/preference

information), which is stored prior to transporting the said data to the user device in that

the profile of Dureau is stored ahead of time in that Dureau filters downloads of data

(such as songs) (pg. 7, para. 0062-0063).

Regarding claim 78, Park teaches sending supplemental information from

between the management unit and the user device associated with programming (col.

6, II. 8-28).

Regarding claim 79, Park teaches an element is operated based on data

received from the management unit, such as a spring-loaded cover, or a releasing fluid

(col. 11, II. 1-46), which reads on further content that associates with the program.

Regarding claim 82, Park teaches that the management unit is remote from the

user device and television system in that they are completely independent structures as

shown in figure 1.

Regarding claim 83, Park teaches an audio message (col. 6, II. 8-27).

4.   Claims 3, 20, 25, 33, and 73 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,733,131 to Park and U.S. Patent Application

Publication 2005/0111823 to Dureau in view of U.S. Patent 6,415,439 to Randell et al.

(hereafter Randell).

Regarding claim 3, Park is silent on a message from the user device. In

analogous art, Randell teaches a transmitting a message back to the management unit

from the user device (10) (see col. 7, II. 21-37; col. 11, II. 24-36). Therefore, it would

have been obvious to one of ordinary skill in the art at the time the invention was made

to modify Park by as taught by transmitting a message back to the management unit

from the user device as taught by Randell in order to provide active feedback to the

user, thereby enabling the system to respond to the user.

Regarding claim 20, Park is silent on a message generated at the user device in

response to user input, transporting the message to the management unit, wherein

upon receiving the message the management unit generates another message to be

transported back to the user. In analogous art, Randell teaches a transmitting a

message generated via a sensor at the user device (60) and transporting the message

back to the management unit (10), and generating another message to be transported

back to the user, such as "No, that's my right hand, please squeeze my left hand." (see

col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Park by as taught

by transmitting a message generated via a sensor at the user device (60) and

transporting the message back to the management unit (10), and generating another

message to be transported back to the user as taught by Randell in order to provide

active feedback to the user, such as instructing the user to perform a certain action

correctly, thereby educating the user.

Regarding claim 25, Park is silent on a message generated at the user device in

response to one or more questions or tasks, transporting the message to the

management unit, wherein upon receiving the message the management unit generates

a feedback message to be transported back to the user. In analogous art, Randell

teaches a transmitting a message generated via a sensor at the user device (60) (in

response to a task of squeezing BARNEY's left hand) and transporting the message

back to the management unit (10), and generating another message to be transported

back to the user, such as "No, that's my right hand, please squeeze my left hand." (see

col. 7, ll. 21-37; col. 11, ll. 24-36). Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Park by message

generated at the user device in response to one or more questions or tasks,

transporting the message to the management unit, wherein upon receiving the message

the management unit generates a feedback message to be transported back to the user

as taught by Randell in order to provide active feedback to the user, such as instructing

the user to perform a certain action correctly, thereby educating the user.

Regarding claims 33 and 73, Park is silent on inputting a speech message,

transmitting the message to the management unit, and recognizing it at the

management unit. Randall teaches transmitting messages to the management unit and

recognizing it at the management unit (see col. 7, ll. 21-37; col. 11, ll. 24-36).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Park by as taught by transmitting a message generated

and recognizing the message at the management unit as taught by Randell in order to

provide active feedback to the user, such as instructing the user to perform a certain

action correctly, thereby educating the user. Park and Randall are silent a speech

message. Official Notice is taken that speech commands are well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Park and Randall by using speech commands in order to simplify the interface by enabling the user to voice their commands.

5.   Claims 23, 59, 86, and 89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,733,131 to Park and U.S. Patent Application Publication 2005/0111823 to Dureau in view of U.S. Patent 5,855,483 to Collins et al. (hereafter Collins).

Regarding claim 23, Park teaches audio messages, but is silent on a visual message. Collins teaches a plaything to generate visual message (col. 4, ll. 24-27, col. 6, ll. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using visual messages as taught by Collins in order to engage the user with the device (Collins: col. 4, ll. 6-35), thereby increasing interactivity.

Regarding claim 59, Park teaches a device (12), which as shown in the figure 1 can be a toy bear, which can be moved from place to place, which equates to a portable controller. Park teaches audio messages, but is silent on a visual message. Collins teaches a plaything to generate visual message (col. 4, ll. 24-27, col. 6, ll. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Park by using visual messages as taught by Collins in order to engage the user with the device (Collins: col. 4, ll. 6-35), thereby increasing interactivity.

Regarding claim 86, Park teaches audio messages, but is silent on a visual

message. Collins teaches a plaything to generate visual message (col. 4, ll. 24-27, col.

6, ll. 28-29). Therefore, it would have been obvious to one of ordinary skill in the art at

the time the invention was made to modify Park by using visual messages as taught by

Collins in order to engage the user with the device (Collins: col. 4, ll. 6-35), thereby

increasing interactivity.

Regarding claim 89-91, the combination of Park and Dureau are silent on the

user device including a display and keys operable by the user for inputting information,

however Dureau recognizes that other devices can be used such as remote controls

and PDAs (Dureau: pg. 1, para. 0009). Collins teaches a display (fig. 3, label 110, col.

4, ll. 24-27, col. 6, ll. 28-29) along with buttons (which equate to keys) for inputting

information (col. 6, ll. 17-19). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Park by user device

including a display and keys operable by the user for inputting information as taught by

Collins in order to engage the user with the device (Collins: col. 4, ll. 6-35), thereby

increasing interactivity.

6.   Claims 27, 32, 80, and 81 are rejected under 35 U.S.C. 103(a) as being

unpatentable over U.S. Patent 5,733,131 to Park and U.S. Patent Application

Publication 2005/0111823 to Dureau in view of U.S. Patent 6,049,333 to LaJoie et al

(hereafter LaJoie).

Regarding claim 27, Park teaches transmitting the data based on a predefined

event, such as election day (col. 6, ll. 24-27), but is silent on transmitting data based on

a predefined event associated with the program. LaJoie teaches transmitting

information to the user based on a predefined event associated with a program (col. 4-

5, ll. 65-17, col. 8, ll. 49-61). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Park by transmitting data

based on a predefined event associated with the program as taught by LaJoie in order

to update the user of information of programs.

Regarding claim 32, Park is silent on the event detection based on detection of

the predefined audio or visual effect in the program. Official Notice is taken that

detection of the predefined audio or visual effect in the program is well known in the art.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Park by detecting a predefined audio or visual effect in

the program in order to enable the receiving device to identify additional information that

would interest the user, thereby facilitating the user in acquiring more information.

Regarding claim 80, Park teaches transmitting the data based on a predefined

event, such as election day (col. 6, ll. 24-27), but is silent on transmitting data based on

a predefined event associated with the program. LaJoie teaches transmitting

information to the user based on a predefined event associated with a program (col. 4-

5, ll. 65-17, col. 8, ll. 49-61). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to modify Park by transmitting data

based on a predefined event associated with the program as taught by LaJoie in order

to update the user of information of programs.

Regarding claim 81, Park and LaJoie are silent on data transportation triggered

based on monitoring of a time-code. Official Notice is taken that triggering data based

on a time code is well known in the art. Therefore, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to modify Park and LaJoie by

triggering data from a time code in order to efficiently launch triggers from media.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andrew Y. Koenig whose telephone number is (703)

306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Christopher Grant can be reached on (703) 305-4755. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

ayk

CHRIS GRANT
PRIMARY EXAMINER